

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BILLIE MERCER, Individually and as Heir to the ESTATE OF LARRY JACKSON, JR.; and LARRY MERCER, Individually, and as Heir to the ESTATE OF LARRY JACKSON, JR.,

Plaintiffs,

V.

**CHARLES KLEINERT and
THE CITY OF AUSTIN,**

Defendants.

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Civil Action No. 1:13-cv-00830-LY

Response to Defendant Charles Kleinert's Amended Motion for Protective Order

TO THE HONORABLE UNITED STATES DISTRICT JUDGE YEAKEL:

1. Defendant Charles Kleinert's Amended Motion for Protective Order is moot.
2. On May 12, 2014, a Travis County Grand Jury indicted Defendant Charles Kleinert for Manslaughter in related to the killing of Larry Jackson Jr. On May 14, 2014, in accordance with an agreement negotiated before the Grand Jury ruled, the City of Austin produced the requested documents the Plaintiffs sought in this civil case. The documents were produced in accordance with this Court's Protective Order and are therefore confidential.
3. Kleinart's criminal defense attorney Randy Leavitt has no involvement whatsoever with this civil case. It is notable that Kleinert's civil defense attorney Robert Icenhauer-Ramirez did not join in the Amended Motion for Protective Order. The reality is that the state court criminal proceedings against Kleinert are completely separate from this civil case, and no authority has been shown to this Court indicating the civil case should be halted until the criminal proceedings have been concluded.
4. The undersigned counsel estimates he will need no more than five (5) depositions and he will be prepared to try the case. Therefore, the Plaintiffs respectfully request that a status conference is set, so that all parties can obtain a trial date in this matter.

Respectfully submitted on May 16, 2014.



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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument has been served on all parties this **16th day of May, 2014** pursuant to the Federal Rules of Civil Procedure.

Via CM/ECF

Charles Kleinert c/o
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Via CM/ECF

The City of Austin c/o
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Attn: Dan Richards
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Via CM/ECF

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